

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**DELINA R. JOUBERT**

**V.**

**MICHAEL J. ASTRUE,<sup>1</sup>  
Commissioner of Social Security  
Administration**

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**NO. 1:06-CV-415**

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS  
AND ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends that the decision of the Commissioner be affirmed and the case dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation, arguing that the administrative record did not contain all relevant medical evidence. In compliance with the magistrate judge's order, plaintiff submitted new evidence to the court.

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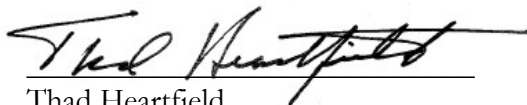
<sup>1</sup> Michael J. Astrue was appointed Commissioner of Social Security Administration on February 12, 2007, and is substituted as a party pursuant to 42 U.S.C § 405(g) and Rule 25(d)(1), Federal Rules of Civil Procedure.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). The court has considered plaintiff's new evidence to determine whether the evidence provides a basis for remand. After careful consideration, the court finds that plaintiff's new evidence does not present a "reasonable possibility that it would have changed the outcome of the [Commissioner's] determination." Latham v. Shalala, 36 F.3d 482, 483 (5th Cir. 1994). Therefore, the evidence does not provide a basis for remand. The court concludes that plaintiff's objections are without merit.

**ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**SIGNED** this the 12 day of **February, 2008**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge